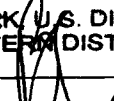


FILED**UNITED STATES DISTRICT COURT****JAN 03 2019**for the
Western District of TexasCLERK U.S. DISTRICT COURT
WESTERN DISTRICT OF TEXAS
BY  DEPUTY CLERK

United States of America)

v.)

Tony Dwayne Albert)

Case No. SA19-MJ-0003)

*Defendant(s)***CRIMINAL COMPLAINT**

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of December 30, 2018 in the county of Guadalupe in the
Western District of Texas, the defendant(s) violated:*Code Section**Offense Description*

18/922(g)(9)

Convicted of a misdemeanor crime of domestic violence and was in Possession of a Firearm.

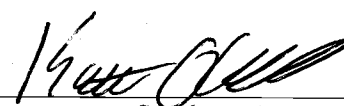
PENALTIES: Up to 10 years imprisonment, \$250,000 fine, 3 years supervised release, \$100 mandatory special assessment.

This criminal complaint is based on these facts:

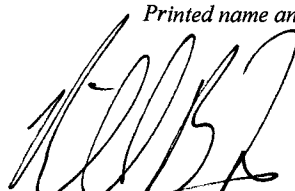
See Attached Affidavit

☒ Continued on the attached sheet.

- ☒
- Sworn to before me and signed in my presence.
-
- ☐
- Sworn to telephonically and signed electronically.

Date: Jan. 3, 2019City and state: San Antonio, Texas
Complainant's signature

ATF S/A Kaitlin O'Connell

Printed name and title
Judge's signature

RICHARD B. FARRER, U.S. Magistrate Judge

Printed name and title

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

AFFIDAVIT IN SUPPORT OF A CRIMINAL COMPLAINT

I, Special Agent Kaitlin O'Connell, being duly sworn do hereby depose and state:

1. Your affiant is currently employed as a Special Agent (SA) with the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) and has been so employed since January 2015. Since January 2015, your affiant has participated in investigations concerning violations of Title 18.

2. On December 30, 2018, the Seguin Police Department received information regarding a male wearing a facemask who walked into a restaurant and entered the restroom. After exiting the restroom, the restaurant owner stated the male asked for directions to a Baptist Church. After a short conversation, the male left the restaurant. The restaurant owner noticed the male had a pistol in his hand. The male was later identified as **Tony Dwayne Albert**.

3. Later that day, a male meeting the description of **Tony Dwayne Albert** was located walking on the 2200 block of West Kingsbury St, Seguin, Texas, in the Western District of Texas. **Tony Dwayne Albert** was wearing black military style boots, dark coat, a surgical type mask, and a white shirt wrapped around his head and tan pants. Officers approached **Tony Dwayne Albert** with caution due to the encounter at the restaurant earlier in the day. Upon approach, the Officer asked **Tony Dwayne Albert** if he had a handgun. **Tony Dwayne Albert** responded he did have a handgun, and it was in the left pocket of his jacket.

4. **Tony Dwayne Albert** was frisked due to his statement that he possessed a firearm. The following items were recovered:

- Smith and Wesson, model MP9, 9mm caliber pistol, serial number NAR1186, loaded with 16 rounds of 9mm ammunition, making this a large capacity firearm, located in the left pocket of **Tony Dwayne Albert's** jacket,
- One additional magazine loaded with 17 rounds of 9mm ammunition

5. **Tony Dwayne Albert** also possessed less than two ounces of marijuana, a marijuana pipe, and various identification cards belonging to victim R.R. The Smith and Wesson firearm possessed by **Tony Dwayne Albert** was also stolen from R.R.

6. **Tony Dwayne Albert** was taken into custody by Seguin Police Department. During the arrest, **Tony Dwayne Albert** told the Officer that he needed to get to a Baptist Church, asking the Officer to take him.

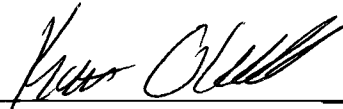
7. **Tony Dwayne Albert** was interviewed at the Guadalupe County Jail by a Seguin Police Department Detective. **Tony Dwayne Albert** was read his Miranda rights prior to the interview. **Tony Dwayne Albert** acknowledged and agreed he understood his rights. During the interview, he stated he was in Vidor, Texas looking for a Baptist Church. **Tony Dwayne Albert** stated the

firearm was for protection because "people try to kill God's people."

8. ATF Interstate Nexus examination reveals that the Smith and Wesson, model MP9, 9mm caliber pistol, serial number NAR1186, was not manufactured in the State of Texas, and therefore traveled in interstate and foreign commerce.

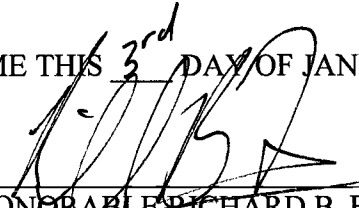
9. **Tony Dwayne Albert** was previously convicted of a misdemeanor crime of domestic violence, Assault- Family Member, on June 21, 2017 in Harris County, Texas, Cause Number 214348101010.

Based on the above facts, your affiant believes there is probable cause that **Tony Dwayne Albert** has been convicted of a misdemeanor crime of domestic violence and was in possession a firearm in violation of 18 U.S.C. §922(g)(9).



Special Agent Kaitlin O'Connell
Bureau of Alcohol, Tobacco, Firearms, and
Explosives

SUBSCRIBED AND SWORN TO BEFORE ME THIS 3rd DAY OF JANUARY, 2019.



HONORABLE RICHARD B. FARRER
UNITED STATES MAGISTRATE JUDGE